

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

TYGHE JAMES MULLIN,

Plaintiff,

v.

SANTA CLARA COUNTY, et al.,

Defendants.

Case No. [23-cv-04399-AMO](#) (PR)

**ORDER OF DISMISSAL WITHOUT  
PREJUDICE**

This suit was reassigned from a magistrate judge to the undersigned in light of Ninth Circuit authority.<sup>1</sup> Plaintiff Tyghe James Mullin, who had been in custody at the Elmwood Correctional Facility, filed the present *pro se* prisoner complaint under 42 U.S.C. § 1983.

On October 13, 2023, mail directed to Mullin by the Court was returned to the Clerk of the Court with the following notation: “RETURN TO SENDER. NOT DELIVERABLE AS ADDRESSED. UNABLE TO FORWARD.” *See* Dkts. 6, 7. To date, Mullin has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11, a party proceeding *pro se* whose address changes while an action is pending must promptly file a notice of change of address specifying their new address. *See* L.R. 3-11(a). The Court may dismiss without prejudice a complaint when: (1) mail directed to the *pro se* party by the Court has been returned to the Court as not deliverable,

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<sup>1</sup> *Williams v. King*, 875 F.3d 500, 503 (9th Cir. 2017) (concluding that magistrate judge lacked jurisdiction to dismiss case on initial screening because unserved defendants had not consented to proceed before a magistrate judge).

1 and (2) the Court fails to receive within sixty days of this return a written communication from the  
2 *pro se* party indicating a current address. *See* L.R. 3-11(b).

3 More than sixty days have passed since the mail directed to Mullin by the Court was  
4 returned as undeliverable. The Court has not received a notice from Mullin of a new address.  
5 Accordingly, the complaint is **DISMISSED** without prejudice pursuant to Rule 3-11 of the  
6 Northern District Local Rules.

7 The Clerk shall terminate all pending motions and close the file.

8 **IT IS SO ORDERED.**

9 Dated: December 22, 2023

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11 ARACELI MARTÍNEZ-OLGUÍN  
12 United States District Judge  
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